

Master Planning Task Force

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Introduction and Executive Summary

Purchase of the Chippewa River Trail corridor (located on an abandoned railroad line in Eau Claire and Dunn Counties) was authorized by the Natural Resources Board in May 1985. Beginning at Short Street in southwest Eau Claire, the grade proceeds west-southwest through the communities of Caryville and Meridean and finally terminates at the Red Cedar Junction. At this point, it connects to the Red Cedar Trail and proceeds to Menomonie. The communities of Dunnville, Downsville, and Irvington are located along the Red Cedar Trail. Total population within a one and one-half hour drive of the trail exceeds two million people. In the immediate vicinity, the Eau Claire-Chippewa Falls-Menomonie area has over 150,000 residents. Major access to the trail is provided by Interstate 94, and highways 85, 37, and 53. Secondary access is provided by a variety of county and township roads.

The primary goal is to provide a 20-mile trail for bicycling, hiking, snowmobiling, and cross-country skiing. It is recommended that the trail be classified a state recreation area. Under this classification, hunting and trapping will be allowed between Caryville and the Red Cedar junction. An anticipated 50,000 annual visits will occur on the trail.

Development will include decking and railing the trestles, surfacing the trail with a 10-foot wide layer of finely crushed limestone, and providing parking lots in rest areas near Eau Claire, Caryville, and Meridean. The rest area facilities will consist of rest rooms, drinking water, picnic tables, bike racks, grills, and other related facilities. Fencing will be installed on a priority basis in accord with the Department's fencing policy. Existing municipal or state rest area facilities will be utilized wherever they are available along the trail. Total estimated development costs based on 1990 figures is about \$700,000.

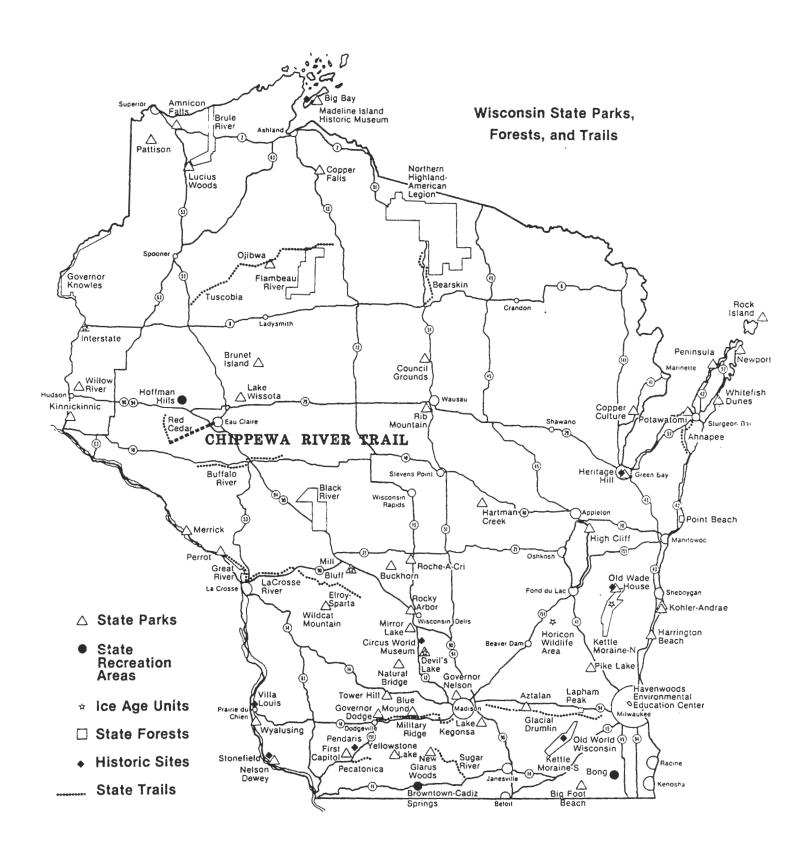
The trail will extend from Eau Claire to the Red Cedar junction and link to the Red Cedar Trail, thereby providing a 35-mile corridor for offroad trail use.

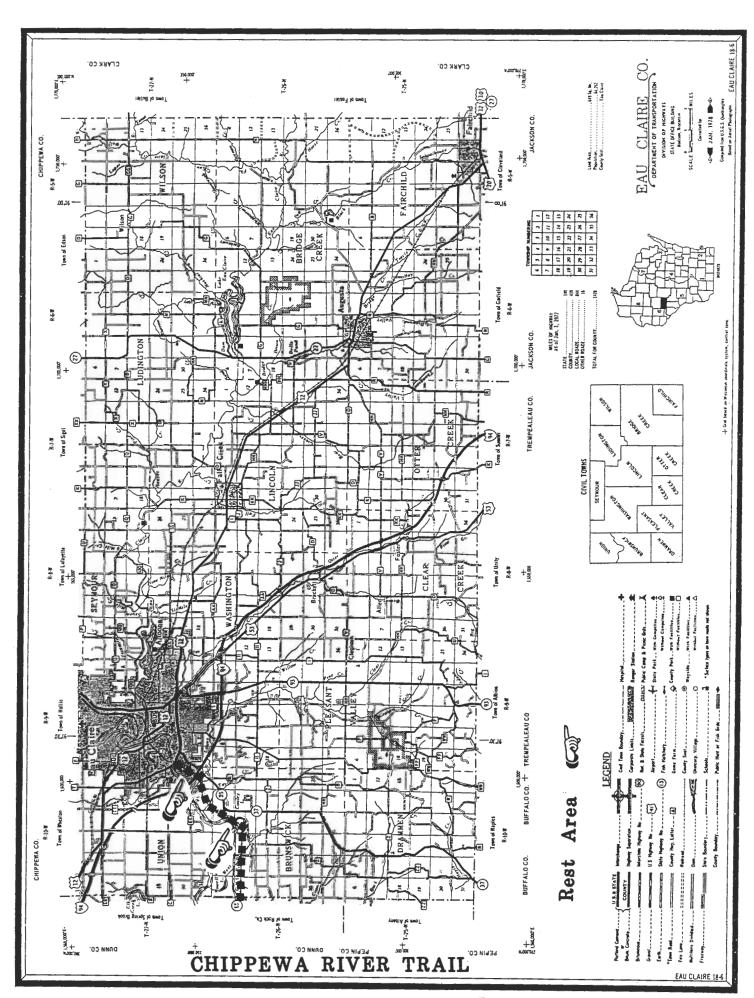
The total project acreage is 350 acres. A breakdown of ownership indicates that the Department currently owns 250.49 acres within the trail corridor. Easements on about 10 acres of Northern States Power land within the Dunn County energy park will be obtained. Acquisition of approximately 40 acres of land for a trail reroute, parking lots and prairie preservation is proposed at Meridean and scattered areas along the trail. A trail reroute through American Materials Corporation aggregate pit south of Eau Claire will add 50 acres to the project.

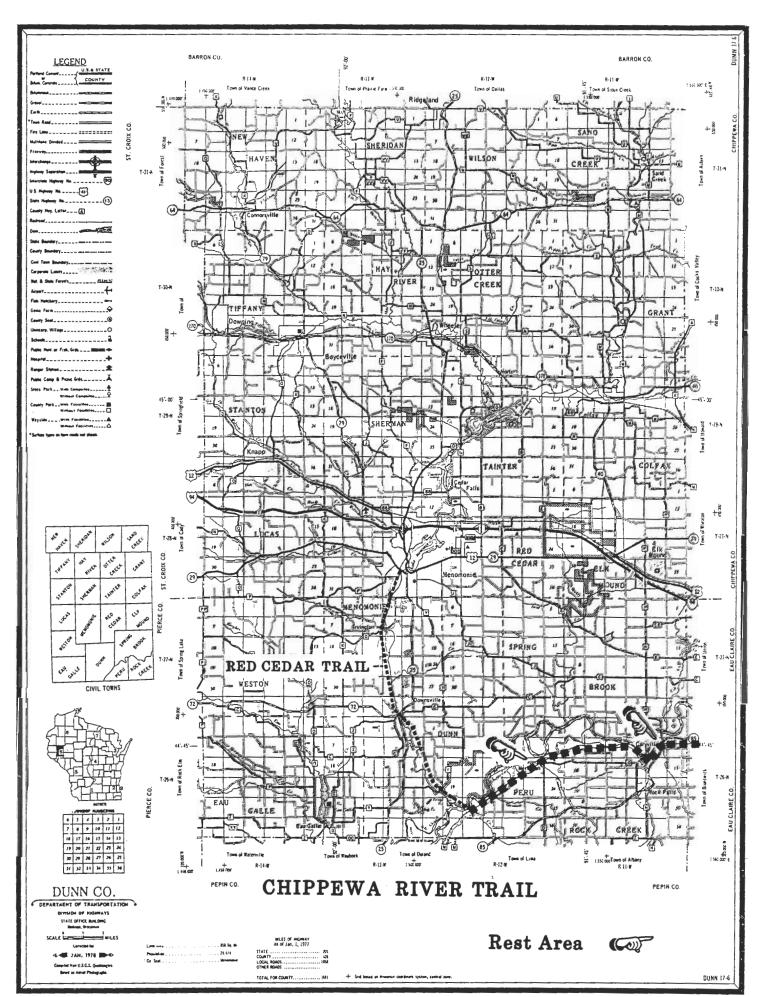
Upon acquiring the trail corridor, the Department closed the grade to public use. It will remain closed until the first phase of development, including decking and railing of trestles, and general cleanup, is complete. A portion of that work is expected to be finished by the fall of 1990.

When fully developed, approximately \$60,000 per year will be needed to operate and maintain the Chippewa River Trail. This includes salaries for one full time and one 3/4 time Park Ranger 2 and limited term (LTE) employees. It also includes operational costs of maintenance vehicles, travel, services, and supplies. It does not include major trail surface repair costs. Once the trail becomes operational, a user fee will be charged for bicycling. Snowmobile registration fees will be used to fund winter use maintenance. Based on experience at other state trails, this trail will probably generate less than 30 percent of its operating cost.

Public involvement on this proposal first began in 1985 prior to the Natural Resources Board action authorizing acquisition of the trail. Two public forums were held -- one in Meridean on September 6, 1989, and one in Eau Claire on September 20, 1989. A public hearing on the draft master plan was held February 15, 1990. At these meetings, the public was invited to discuss their concerns and desires regarding the trail. To date, nearly 125 individuals have attended the public meetings and 47 people have sent in comments. The plan reflects the wishes as expressed by the public.







SECTION I

Goals and Objectives

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To provide a 20-mile long state recreation area trail for bicycling, hiking, snowmobiling, cross-country skiing, trapping, and hunting in specific areas and to conserve the resource for present and future generations.

Annual Objectives

- 1. Provide a trail with necessary improvements to accommodate 35,000 bikers.
- 2. Provide winter use opportunities for 10,000 snowmobilers and cross-country skiers.
- 3. Provide trail opportunities for 5,000 hikers.
- Permit 2,500 participant days of small game hunting, trapping, and deer hunting.
- 5. Maintain several important remnant prairie areas.
- 6. Provide facilities to accommodate use by individuals with disabilities through the proper design, construction, and management of the property and its facilities.

Additional Benefits

- 1. Provide a connecting link to the Red Cedar Trail. When completed, the trail corridor will comprise over 35 miles of off-road trail system linking Menomonie to Eau Claire.
- Provide for such activities as berry picking, bird watching, general nature study, and fishing in streams which are crossed by the trail.

SECTION II

Proposed Management and Development Plans

Land Acquisition

The Chippewa River Trail corridor purchased as authorized by the Natural Resources Board in May 1985. The Department of Natural Resources presently manages 20 miles of trail corridor extending from the Red Cedar Trail junction to the city limits of Eau Claire near Short Street. Seventeen miles are owned in fee. The Department will obtain an easement on three miles of corridor which crosses Northern States Power Company lands within the Dunn County Energy Park near the Red Cedar junction.

The total project acreage is 350 acres. A breakdown of ownership indicates that the Department currently owns 250.49 acres within the trail corridor. Easements on about 10 acres of Northern States Power land within the Dunn County energy park will be obtained. Acquisition of approximately 20 acres of land for a trail reroute and parking lot is proposed at Meridean. Twenty acres will be acquired for prairie preservation. A trail reroute through American Materials Corporation aggregate pit south of Eau Claire will add 50 acres to the project.

In addition to the land acquisition in fee and easement, the Department will obtain a deed for the Chippewa River bridge located within the City of Eau Claire near Clairemont Avenue. The state will also be responsible for developing, operating, and maintaining the section of city-owned trail corridor from the Chippewa River bridge south to Short Street. This is included in the memorandum of understanding between the Department of Transportation, DNR, and the City of Eau Claire. See Appendix D.

The Department assumed responsibility for three private leases on the railroad corridor upon gaining ownership of the right-of-way. Each lease will be evaluated and acted upon on an individual basis. Northern States Power Company holds a perpetual easement on the entire trail corridor from the Red Cedar Junction to Eau Claire. NSP has rights to place utility lines within the right-of-way. The Department is subject to the provisions contained in the easement (agreement).

Timber and Vegetation Management

A variety of vegetative management principles will be needed to promote and control tree and shrub growth. Remnant prairies and lowland vegetation are to be maintained. Improvement of the trail's grassland, and prairie areas will enhance wildlife habitat. Controlled burning may be prescribed on the trail to control woody vegetation and maintain prairie species.

A narrow (\pm 6' wide) strip of vegetation on either side of the surfaced trail tread will be controlled by mowing. Other vegetated areas along the right-of-way will be managed to provide the trail users with vistas of the rivers, bluffs, and surrounding landscape.

If developments within sight of the trail reduce aesthetic value, planting of native species will be incorporated on the trail right-of-way to screen such objects. Similarly, vegetative screening may be incorporated to screen the trail's use from adjacent property owners.

Since a complete biological inventory of the trail does not exist, it is recommended that an inventory be conducted. In that regard, a graduate student has conducted a vascular plant study. This information is included in Appendix B. Information on the trail's non-woody plants will also be used for interpreting some of the unique biological communities within the corridor.

Proposed Development and Operations by Function

It is recommended that the trail be classified as a state recreation area. Recommended activities include biking, hiking, snowmobiling, and cross-country skiing. Hunting and trapping will be allowed between Caryville and Red Cedar Junction during the regular open hunting and trapping season. If conflicts develop, specific geographic and time zones for hunting, trapping, and other uses will be implemented as permitted for in Section 23.091 of the Wisconsin State Statutes. No hunting will be allowed between Caryville and Eau Claire.

Development will include decking and railing the trestles, surfacing the trail with a 10-foot wide layer of finely crushed limestone, and parking lots and rest areas near Eau Claire, Caryville, and Meridean. The facilities for these rest areas could consist of parking lots with a capacity of 10-50 vehicles, restroom facilities, drinking water, picnic tables, bike racks, grills, and other related facilities. Where offered, municipal and DOT wayside facilities will be utilized, or a coordinated effort between the agency and Department may be undertaken to develop facilities. Camping may be provided near the Red Cedar Junction. There is also potential for private sector campground development adjacent to the trail.

The trail will extend from the Red Cedar Junction to Eau Claire and link to the Eau Claire city bike trail system.

Facility Management

Currently the trail is managed by the Lake Wissota State Park Work Unit. Primary maintenance and law enforcement responsibility is provided by the property superintendent of the Red Cedar Trail and other Department personnel. Additional staff needed to manage the trail once it becomes fully operational will include one Park Ranger 2 and one seven-month seasonal Park Ranger 2. These positions would be supervised by the park

superintendent in Menomonie. Duties would be assigned throughout the Red Cedar Trail, Chippewa River Trail, and Hoffman Hills properties. However, most of the workload will be on the trail systems. The equipment and repair facilities at Menomonie, used to maintain the Red Cedar Trail, will be shared with the Chippewa River Trail.

A nonprofit organization, composed of people from villages along the trail, should be formed to provide such things as bicycle rental and pickup, refreshments, lodging, and other services and amenities to trail users. This group could be established in conjunction with the Red Cedar Trail organization.

The trail will be designated a state recreation area under Statute 23.091 (see Appendix C). With this classification, the trail will be managed to provide a full range of educational and recreational opportunities, including deer and small game hunting, and trapping. Use zone rules will control activities within specific zones. User limits may be established.

The property will be managed under the provisions of Wisconsin Administrative Code 45 which contains rules of the Wisconsin Department of Natural Resources pertaining to the conduct of visitors at state parks, forests, and other properties under the jurisdiction of the Department.

The City of Eau Claire is currently expanding and developing their urban bikeway, which will link to the Chippewa River Trail. The city intends to develop a trailhead in conjunction with park development near the central business district. This will provide trail user services which complement the Chippewa River-Red Cedar Trail system.

Wildlife Management

Bird houses could be erected and maintained within the corridor near wetlands and the river for use by woodducks, hooded mergansers, screech owls, great crested fly catchers, and other birds. Bluebird houses could be erected along more open areas, such as in the stretch between Caryville and Eau Claire. Snags at the edges of the corridor which are leaning away from the trail could be maintained for a variety of species including woodpeckers, raccoons, raptors, flying squirrels, and chickadees. Snags that must be cut down for safety reasons could be moved to the edge of the trail to provide habitat for reptiles and amphibians. Windbreaks or other shrub areas could be planted to service berry, nannyberry, high bush cranberry, mixed crab, or gray dogwood. These shrubs are heavily used by various wildlife species for food and cover.

Beaver have occasionally built dams which plug culverts and dam creeks or drainage ways running under the trail causing flooding of adjacent farm fields. Beaver culverts must be inserted in the dams to allow passage of water. If this is not successful, other beaver management efforts may be initiated.

A comprehensive survey of birds, mammals, reptiles and amphibians along the trail corridor should be undertaken.

Fish Management

Fishing access will be protected where the trail crosses streams and at any points over or adjacent to the Chippewa River. In the northwest portion of Cooley Lake, limited access will be provided for carry-in boat and canoe users. Sport fish harvest is extremely limited, except for an occasional brown trout in the lower end of Lowes Creek, and brook trout in Fall Creek.

The only rare, changing status, or endangered aquatic species that are known are in the Chippewa River. They include the crystal darter, paddle fish, and blue sucker. Water quality on all the streams is affected by nonpoint source pollution, such as overgrazing, ditching, and sedimentation resulting in deterioration of trout habitat.

Education and Interpretation

Development along the trail corridor will include interpretive devices to explain the cultural, historical, and natural features found within and adjacent to the trail corridor.

DEVELOPMENT (Figure 2)

Total estimated development cost, based on 1990 figures, is about \$700,000. All proposed development will be dependent upon the availability of funds and upon state-wide priorities. Current cost estimates will be required before future development projects are funded.

Development needs of the trail over the next ten-year period have been identified and placed into three development phases.

Phase One

Phase One of development will focus on preparing the trail for public use. Decking and railing of trestles and placement of limestone trail surface material will occur. Informational, educational, security and safety signing will be installed at all appropriate locations along the trail route and along public roadway approaches to trail intersections. Debris, such as old ties, rocks, and diseased and dead trees and shrubs will be removed from the corridor if found to be an obstruction to the intensive recreation area of the trail.

Boundary fencing will be installed on a priority basis in accord with the Department's fencing policy. Priorities are set by mutual agreement between affected property owners and the Department.

As funds permit, parking lots with 10 to 50 stalls each will be constructed in the areas in or near Eau Claire, Caryville, and Meridean. Riprap will be placed at the base of trestles abutments and along trail sections where erosion control work is needed.

Phase I Projects Currently Budgeted

1.	Decking and railing trestles 650 lineal foot Chippewa R. trestle Hwy 85 underpass (DNR pays 50%)	\$ 25,000 \$ 15,000
2.	Surfacing initial 2 to 3 miles	\$ 10,000
	Total Current Development Cost	\$ 50,000
Phase	I Projects to Complete Development	
1.	Decking and railing trestles 3112 lineal feet at \$40/ft	\$125,000
2.	Trestle repairs (various locations)	\$ 10,000
3.	Trail cleanup, brushing and tree removal 10 miles @ \$2,000/mi	\$ 20,000
4.	Limestone surfacing 10' wide (17 miles @ \$8,000/mi)	\$136,000
5.	Fencing 10 miles @ \$5,000/mi	\$ 50,000
6.	Trail signing	\$ 5,000
7.	Parking lots (gravel) at Eau Claire, Caryville, and Meridean (80 stalls total)	\$ 27,000
8.	Riprap and erosion control (Meridean area)	\$ 35,000
	Total Phase I Development Cost	\$408,000

Phase Two

Rest areas will be developed in conjunction with parking lots constructed during phase one. The sites may include toilets, wells, information signs, tables, refuse cans, and bike racks. A 20-unit rustic campground may be developed near the Red Cedar Junction. Facilities will include well and handpump, pit toilet, signing site preparation, tables, fire rings and other needed furnishings. The campground will be accessible from the trail only. There will be no private vehicular access. Landscape planting will also take place to provide shade and beautify the rest areas. Selective vegetative clearing and restoration of prairie areas will accentuate the diversity

of plant cover and increase visual interest. Interpretive signs will be placed at key locations along the trail to describe the areas natural features. Additional riprap to control or correct erosion may be required. Boundary fencing will be constructed as needed.

Phase II

1.	Rest	areas	(toilet,	water,	bulletin	boards,	site	prep	and
	furni	ishings	s)						

	a. Eau Claire (cost share with city)b. Caryvillec. Meridean	\$ 20,000 \$ 25,000 \$ 25,000
2.	Red Cedar Junction Campground - 20 units @ \$1,500/unit (toilet, well, site prep and furnishings	\$ 30,000
3.	Interpretive signing	\$ 5,000
4.	Vegetative management and planting	\$ 5,000
5.	Riprap and erosion control	\$ 10,000
6.	Fencing 4 miles @ \$5,000/mi	\$ 20,000
	Total Phase II Development Cost	\$140,000

Phase Three

Additional fencing, signing, rest stop development, selected vegetative management and planting, and continued erosion control is anticipated. Gravel surfaced parking lots will be asphalted.

Phase III

1.	Fencing 2 miles @ \$5,000/mi	\$ 10,000
2.	Riprap and erosion control	\$ 10,000
3.	Landscaping and mini wayside development	\$ 5,000
4.	Asphalt parking lots	\$ 13,000
	Total Phase III Development Cost	\$ 38,000
	Engineering and Contingency	\$ 62,000
	Grand Total	\$698,000

Of the total trail development cost estimated at \$700,000, \$50,000 is currently budgeted (89-91) for planking and railing the Chippewa River Trail Bridge in Eau Claire and constructing up to five miles of trail to the south and west of the city. Funding to complete trail development will be requested in future biennial budgets.

Areas proposed for major development will be examined for the presence of endangered or threatened wild animals and plant species. If any target species are found, development will be suspended until appropriate protective measures are taken. Prior to any major ground disturbing activities within the trail right-of-way, the Department will consult with the State Historical Society to determine whether archeological and/or historical testing is warranted.

Operation Cost and Revenue Potential

When fully developed, approximately \$60,000 per year will be needed to operate and maintain the Chippewa River Trail. This includes salaries for one full time and one 3/4 time Park Ranger 2 and limited term (LTE) employees. It also includes operational costs of maintenance vehicles, travel, services, and supplies. It does not include major trail surface repair costs. Once the trail becomes operational, a user fee will be charged for bicycling. Snowmobile registration fees will be used to fund winter use maintenance costs.

Based on experience at other state trails, this trail will probably generate less than 30 percent of its operating cost.

Sale outlets for the bicyclist's trail card will be located in communities along or near the trail.

Public Involvement in the Master Planning Process

Public involvement on this trail proposal first began in 1985 prior to Natural Resource Board action regarding acquisition of the corridor. On September 6 and 20, 1989, two public forums (one in Meridean and one in Eau Claire) were held where the public was invited to discuss their concerns and desires regarding the trail. This has been supplemented with media coverage of the planning process and meetings with private individuals and agencies. A public hearing on the draft master plan was held February 15, 1990. To date, nearly 125 private citizens have attended the public meetings. Forty-five people mailed in their comments. In addition to the public meetings and media coverage, there were over a hundred individual letters sent out by the Department to various interest groups, adjacent landowners, and others interested in the trail and its future. The letter presented a short background on the trail and asked for public input.

An environmental assessment dated December 7, 1984, which covers the initial acquisition and generalized development of this grade has received public review and has been certified as being in compliance with WEPA. No substantial changes have occurred warranting an update or revision of the environmental assessment. No comments on or requests for changes of the environmental assessment have been submitted.

Roads, Entrances, and Private Inholdings

American Materials Corporation petitioned the Town of Brunswick to have .8 of a mile road abandoned within the American Materials aggregate pit site south of the interstate 94 highway. The road was formally abandoned on January 8, 1990. It is proposed that this road corridor be used for a portion of the trail reroute through American Materials property.

Currently, the Department of Transportation is planning a road realignment of Highway 85 southwest of Eau Claire. As part of that planning process, several alternatives for a grade-separated crossing were evaluated. The final plan calls for a large tube to separate trail users from highway traffic. The Department will cost share the construction of this underpass.

There are no private inholdings along the entire trail corridor.

Providing for Use by Individuals with Physical or Sensory Disabilities

All drinking fountains, restroom facilities, and telephones will be accessible to people with disabilities. The trail, because it has a maximum three percent grade, will be usable by those who use wheelchairs or other mobility aids. Nature interpretation labels and/or brochures will have large print to ensure readability by those with visual limitations.

Proposed Land Use Classification

Approximately 50 acres utilized by the surfaced trail tread, rest areas, and terminus developments are classified intensive recreational development (IRD). The remaining 280 acres within the trail right-ofway is classified as extensive recreation area (ERA).

SECTION III

Background Information

Location (Figure 1)

The Chippewa River Trail will link with the Red Cedar Trail to provide a 35-mile off-road trail corridor. The trail is situated on a northeast-southwest axis in west central Wisconsin within Eau Claire and Dunn counties.

Beginning at Short Street in southwest Eau Claire, the grade proceeds west-southwest through the communities of Caryville and Meridean and finally terminates at the Red Cedar Junction. At this point, it connects to the Red Cedar Trail and proceeds to Menomonie. The communities of Dunnville, Downsville, and Irvington are located along the Red Cedar Trail.

Total population within a one and one-half hour drive of the trail exceeds two million people. In the immediate vicinity, the Eau Claire-Chippewa Falls-Menomonie area has over 150,000 residents.

Major access to the trail is provided by Interstate 94, and highways 85, 37, and 53. Secondary access is provided by a variety of county and township roads.

Potential linkage with the Chippewa Falls-Cornell Trail (presently under study) provides a combination of off-road and on-road trails connecting the city of Cornell and Brunet Island State Park to Lake Wissota State Park and the cities of Chippewa Falls, Eau Claire, and Menomonie with smaller communities located in between. The combined trail length is 70 miles. There is also future potential for an off-road trail between Eau Claire and Chippewa Falls if the Wisconsin Central Short Line abandons their tracks between the two cities.

History of the Area

The railroad grade was constructed in the mid to late 1800's. The purpose of the railroad was to connect Menomonie and Eau Claire with the Chippewa and Mississippi Rivers for shipping lumber. As the lumber market diminished, the use of the railroad grade was directed more towards general freight hauling. When this activity diminished, the railroad petitioned the Interstate Commerce Commission for abandonment.

Chronology of Properties Establishment and Development

The Chippewa River Trail was acquired by action of the Natural Resources Board in May of 1985. The Department of Natural Resources (DNR) purchased 28 miles of the abandoned railroad grade from the Department of Transportation (DOT), extending from the city limits of Eau Claire south to the Durand area. The Department conveyed part of the land to Northern States Power Company (NSP). Northern States Power Company reimbursed the Department of Natural Resources for all of the acquisition costs.

A memorandum of understanding between NSP, DOT, and DNR was developed in which the Department of Transportation agreed to acquire the parcels of land having uncleared title on the right-of-way. Northern States Power reimbursed the Department of Transportation for this land.

Master planning for the Chippewa River Trail began in summer 1989. Public meetings were held in September 1989 and a public hearing on the draft plan on February 15, 1990. An environmental assessment covering the acquisition and potential development of the grade was approved in December 7, 1984.

Past and Present Management Activities

Upon acquiring the trail corridor, the Department closed the grade to public use. It will remain closed until the first phase of development including decking and railing the trestles and general cleanup is completed. A portion of the work is expected to be finished by the fall of 1990.

The City of Eau Claire is very interested in seeing the trail extended into the city for promotion of tourism, improved trail user services, expanded recreational opportunities, and to tie into the city's river trail development. This, city officials feel, will benefit local businesses and demonstrate a cooperative approach to trail development and operations. The Department of Natural Resources will work jointly with the City of Eau Claire to continue the trail corridor into the city and provide a trailhead in the City of Eau Claire near their central business district.

SECTION IV

Resource Capabilities and Inventories

Soil, Geology, and Hydrology

Soils in the Chippewa River Valley adjacent to the railroad grade are alluvial in origin, and are generally sandy, sandy loams, or silt loams. The railroad grade, however, is covered by a ballast of crushed rock and cinder, rotting ties, and other debris.

The grade lies within the western upland region of Wisconsin and is on the northern edge of the driftless area. The oldest underlying rock formation is Pre-cambrian granite, overlain by younger sedimentary formations formed in a marine environment. These include Precambrian sandstones and Prairie du Chien dolomite.

The climate of this area is continental, with a large annual temperature range. Average annual precipitation is 30 inches, coming mostly during the May to September growing season.

Aquatic Resources

The Chippewa River and various other water bodies and streams are visible from many points along the grade. Specifically, water bodies that are within or crossed over by the trail include Coon Creek, Cranberry Creek, Duscham Creek, Fall Creek, and Rock Creek within Dunn County. In Eau Claire County, there are the Chippewa River, Cooley Lake, Lowes Creek, Taylor Creek, and West Creek. Sport fishing is limited except for an occasional large brown trout in the lower end of Lowes Creek and brook trout in Fall Creek. Three of the streams in the trail corridor (Coon Creek, Fall Creek, and Lowes Creek) are listed as Wisconsin trout streams. Only Fall Creek and Lowes Creek have produced quality trout fishing in recent years. The upstream portion of Fall Creek is stocked annually with 1,000 brook trout fingerlings, and Lowes Creek is also stocked annually with 4,000 brown trout holdovers (usually legal sized fish).

Groundwater supplies are recharged in the spring by melting snow and rainfall, when evaporation and transpiration is low. Groundwater reservoirs are also replenished by water seepage from lakes, ponds, and streams. Groundwater depth near the American Materials Corporation aggregate pits appears to be directly affected by the level of the Chippewa River. It can be assumed that this also would be the case in other areas along the trail where similar soil conditions exist.

Vegetative and Wildlife Resources

Elm, ash, river birch, and silver maple are common. White oak, aspen, box elder, and cottonwood are also abundant. Sumac and dogwood are typical shrubs and canary grass, big blue stem, Virginia creeper, poison ivy, dewberry, and other rubus are common in the more open portions.

The trail is inhabited by rabbits, squirrels, deer, muskrat, beaver, mink, ruffed grouse, woodchuck, mice, gophers, many species of song birds, barred owl, great horned owl, red tailed hawk, red shouldered hawk, and Kestrel. A more complete list can be found in Appendix A.

Endangered, threatened, or changing status species observed in or near the corridor include bald eagle, osprey, blanding's turtle, wood turtle, red shouldered hawk, cooper's hawk, dickcissel, and great egret.

As funds and/or voluntary labor become available, an in-depth survey of mammals and birds of the property will be undertaken.

<u>Historical</u> and Archeological Features

The State Historical Society, Chippewa Valley Museum, Dunn County Historical Society, and a UW-Eau Claire archeologist were contacted regarding historical and archeological concerns. Their comments indicated that the trail development poses no threat to existing archeological or historical sites. However, there are numerous historical sites within the City of Eau Claire. There are other sites near the trail between Eau Claire and the trail's junction with the Red Cedar Trail that the local Historical Society would like to see interpreted.

No impacts on archeological sites are anticipated since the trail will be developed on an old railroad bed. If any historical or archeological discoveries are made during development, appropriate action will be taken to ensure protection of the artifact(s).

Site Use Classification

Land classification within the corridor includes upland brush, lowland brush, grass, remnant prairie, marsh, open water, and woodlot. In addition, the trail passes by $2^{\frac{1}{2}}$ miles of land devoted to quarrying, $7^{\frac{1}{2}}$ miles that are in fields, 6 miles of woodlots, $3^{\frac{1}{2}}$ miles of marsh, and about $\frac{1}{2}$ mile passes through urban areas.

MANAGEMENT AND DEVELOPMENT PROBLEMS

Trail Location in Floodfringe-Floodway

The trail lies within floodfringe and in some areas the floodplain of the Chippewa River. This causes concern regarding potential erosion of surfacing materials, and locating toilets, wells, and other site amenities for the trail users. In some areas the trail ballast may have to be riprapped.

There is also a problem with Cranberry Creek flooding in Meridean. The Department is working with the Soil Conservation Service and other agencies to determine if diking the creek is feasible, and if that dike could serve as a trail corridor around the Village of Meridean.

Undesirable Adjacent Land Use

Encroaching onto the trail right-of-way by existing businesses will have to be corrected on an individual basis. An animal rendering transfer station southwest of Eau Claire near the trail corridor creates unpleasant odors. The station is not expected to resume active rendering operations which have produced intense odors in the past.

The Department is presently negotiating a trail corridor reroute with American Materials Corporation for the railroad corridor that passes approximately through the middle of American Materials Corporation's property for a distance of 1.2 miles. This section of the trail corridor is of little scenic value, and has several haul road crossings which would reduce the safety of the trail. Northern States Power Company has a high voltage power line on this corridor as well. It is therefore the intent of American Materials Corporation and the Department to move the placement of the corridor closer to the Chippewa River. This is a beautiful wooded area with a view of the river and also could provide access to the river area for fishing, swimming, picnics, etc.

A great deal of study and planning has taken place during 1989 to structure this idea. Meetings with American Materials Corporation and the Department of Natural Resources have taken place and, as a result, a course for the trail was outlined and tree removal and rough grading have been completed.

The new trail location will go a long way to help eliminate the problems associated with vandalism, partying, illegally discarding trash, etc. by closing the area to unauthorized vehicular travel.

Revenue Collection

Due to the remote location of the rural communities along the trail, a self-registration box will be put up to collect user fees. Trail passes will be sold in the cities of Eau Claire and Menomonie, and villages of Downsville, Irvington, and possibly Caryville and Meridean.

Vegetative Control

Tree and shrub species have invaded the trail right-of-way and at present make it nearly impossible for a vehicle to pass through the corridor. Brush must be removed from the central 20-25 feet of trail before trail tread construction begins. Ongoing vegetation management to guard against encroachment must be continued.

Neighborhood Compatibility With Project

Most of the trail passes through rural areas. Some of the adjacent landowners expressed concerns about trail user trespassing on private property adjacent to the trail. Fencing and farm crossings will be one of the first issues addressed to secure the trail and make it usable. Fencing and patrolling are expected to control trespass. Trespassing has not been a problem on other operating state trails; however, hunting and trapping are not allowed on most of the other trails. Areas adjacent to the Red Cedar Trail are hunted in the Dunnville Wildlife Area. We anticipate that hunters using the trail will get permission to enter private lands. Informational signing will be provided at the parking lots to inform people of the trespass laws.

Recreational Needs and Justification

The Wisconsin 1986-91 Statewide Comprehensive Outdoor Recreation Plan (SCORP) identifies a high priority need for camping and cross-country skiing, and a medium priority need for bicycling, canoeing, fishing, hiking, back-packing, walking, jogging, and picnicking in this region. The SCORP shows a low priority need for horseback riding, motorized offroad cycles, and snowmobiling. The SCORP region includes St. Croix, Pierce, Dunn, Pepin, Chippewa, and Eau Claire counties.

The 1984-89 Eau Claire County Outdoor Recreation Plan indicates that there is a need for additional wilderness type campsites and additional picnicking areas. There is a great demand for additional hiking and biking trails. There is a need for short distance horseback riding trails as well. The plan also states that the available snowmobile trail meets present demand. It should be noted that the Eau Claire plan was drafted prior to 1984 and expires this year. The county is presently redrafting the plan to update their information.

During the initial public participation portion of this master planning process, nearly a hundred individuals indicated a strong desire for additional snowmobile trails to the west and southwest of the City of Eau Claire. The need for a trail is due mainly to urban sprawl and subsequent breakup of large tracts of land. The snowmobilers find it increasingly difficult to find a corridor on private property for their trail. Therefore, they want access on the trail from the City of Eau Claire to the Dunn County line to link into the Dunn County trail system. This need was also expressed strongly by the Eau Claire County Parks and Recreation director.

Public comment strongly suggested that we allow skating type crosscountry skiing on the segment of trail near Eau Claire.

The Dunn County plan is outdated and therefore not being used for supply and demand information.

People expressed an interest in hunting and there are known hunting areas along the corridor. The area from Caryville to the Red Cedar Junction has been heavily used for deer hunting, small game hunting, and trapping. This plan recommends continuation of these uses along this trail segment.

SECTION V

Environmental Impacts of the Proposed Plan

An environmental assessment dated December 7, 1984, which covers the initial acquisition and generalized development of this grade has received public review and has been certified as being in compliance with WEPA. No substantial changes have occurred warranting an update or revision of the environmental assessment. A copy can be reviewed in the Central Office or District headquarters.

SECTION VI

Alternatives to the Proposed Plan and Their Impacts

Management

Designate as a State Park Trail

As a state park, the entire 20 miles of trail could be managed to allow for wide variety of recreational activities. However, hunting and trapping would be prohibited in conformance with Section 29.574 of the Wisconsin State Statutes. This alternative is not recommended because the trail is currently hunted and trapped and there is a need to continue providing hunting and trapping opportunities in the region.

Designate as a State Recreation Trail

Under this recommended alternative, the trail will be managed as a state recreation area, authorized by Statute 23.091, to provide a full range of recreational and educational uses, including hunting and trapping. Use zones could be established, with rules adopted to control activities within the zones as well as limit the number of people using any particular zone. A copy of Statute 23.091 can be found in Appendix C.

Development and Acquisition

Leave the Trail in an Undeveloped Condition

Although the right-of-way has been acquired, this alternative would provide no further acquisition or development. The Department would merely retain the right-of-way for future use. This alternative is not desirable since the grade was acquired for recreational purposes and an initial \$50,000 is being spent on development. No further acquisition or development could lead to safety, trespass, and encroachment problems as well as degradation of the resource.

Limited Trail Development

By acquiring rest area and trailhead lands, the Department could provide a 20-mile long corridor for limited recreational use. Such activities as hiking, hunting, trapping, and snowmobiling in the winter could be enjoyed without trail surfacing.

A decision to provide only parking at major access points could also be made. Railing and decking of trestles would also occur. No toilets, wells, and other facilities would be provided at these locations. Facilities such as toilet, well, and other facilities are needed for trail users. Trail surfacing is needed for most bicycles with narrow tires. Therefore, this alternative is not recommended. In addition, state, regional, and outdoor recreation plans indicate a need for additional biking and hiking trails.

Full Trail Development

This recommended alternative will provide for a full complement of trail facilities for use by bikers, hikers, snowmobilers, cross-country skiers, hunters, and trappers. The trail will be surfaced, the bridges railed and decked, and rest areas will be provided at major access points. Toilets, water, and picnic tables will be provided at all major rest stops. Use of local facilities will be arranged where possible.

Bikers, hikers, and snowmobilers will be allowed over the entire 20-mile trail. Cross-country skiing will be permitted, but will not be promoted. City ordinance changes will be needed to allow snowmobiling to the parking area proposed for development on Short Street. Snowmobiling is presently prohibited within the city limits of Eau Claire. Hunting and trapping will be allowed between the Red Cedar Junction to Caryville and will not be allowed from Caryville to the City of Eau Claire. Where hunting is allowed along the trail, all applicable trespassing, hunting and trapping laws apply. Signs will be erected at trail access points to identify trail boundaries and to inform trail users of trespass laws.

SECTION VII

Compliance with the Wisconsin Environmental Policy Act

An environmental assessment dated December 7, 1984, which covers the initial acquisition and generalized development of this grade has received public review and has been certified as being in compliance with WEPA. No substantial changes have occurred warranting an update or revision of the environmental assessment. A copy can be reviewed in the Central Office or District headquarters.

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Appendix A

1. Wildlife Species List

Game species found along or near the trail corridor include:

black bear white-tailed deer red fox ruffed grouse coyote woodcock gray squirrel muskrat common snipe fox squirrel mink mallard cottontail rabbit raccoon wood duck hooded merganser red-breasted merganser ringneck duck Canada goose lesser scaup green-winged teal common merganser blue-winged teal tundra swan ringneck pheasant American coot bobwhite quail common goldeneye bufflehead pintail black duck gadwa11 wigeon gray fox beaver

Endangered, threatened or changing status species observed or likely to occur* on or near the corridor include:

red shouldered diskcissel bald eagle

hawk

loggerhead shrike* great egret osprey

Blanding's turtle Cooper's hawk

Nongame wildlife species are organized by groups with an example or two listed afterwards.

Waterbirds Woodpeckers

Herring gull Yellow-billed sapsucker Pileated woodpecker

Passerine Birds Wading Birds great blue heron Eastern phoebe

common crow

black-capped chickadee Shorebirds warblers killdeer sora rail blackbirds sparrows

Raptors

Mustelids broad-winged hawk

striped skunk great horned owl

turkey vulture badger

Opossum Nonpasserine Land Birds

mourning dove

ruby-throated hummingbird

Moles

belted kingfisher Shrews

Bats

Bats

Rodents
woodchuck
flying squirrel
meadow vole
deer mouse

Reptiles snapping turtle eastern milk snake

Amphibians spring peeper leopard frog

Appendix B

This species list is for grasslands which comprise approximately 50% of the trail right of way from Eau Claire to the Red Cedar confluence. Those listed here crossed at least one of eighty randomly placed (May thru October 1989) fifty-foot transects. Many more species will likely be found.

- Kristine M. Johnson, Field Botanist

Aceraceae

Acer negundo

box elder

Amaranthaceae

Amaranthus albus Amaranthus albus tumbleweed Amaranthus retroflexus* · pigweed

Anacardiaceae

Rhus glabra smooth sumac Rhus radicans* poison ivy Rhus typhina staghorn sumac

Apocynaceae

Apocynum cannabinum dogbane

Asclepiadaceae

Asclepias syriaca* common milkweed Asclepias tuberosa butterfly weed

Boraginaceae

Lithospermum caroliniense puccoon Lithospermum canescens puccoon

Brassicaceae

Arabis lyrata rock cress
Barbarea vulgaris* yellow rocket
Berteroa incana* Berteroa incana*

Capsella bursa-pastoris shepards-purse Lepidium virginicum peppergrass Thlapsi arvense penny cress

Campanulaceae

Campanula rotundifolia harebell Triodanis perfoliata Venus'looking glass

Caprifoliaceae

Lonicera tatarica* Sambucus canadensis

elderberry

Caryophyllaceae

Arenaria stricta Lychnis alba* campion
Saponaria officinalis* bouncing bet
Silene antirrhina catchfly
Silene Cucubalis bladderwort
Stellaria graminea chickweed

sandwort

Celastraceae

Celastrus scandens

bittersweet

Chenopodiaceae

Chenopodium album* Salsola kali*

lambs-quarters russian thistle

Cistaceae

Helianthemum canadense frostweed Hudsonia tomentosa

false heather

Commelinaceae

Tradescantia ohiensis spiderwort

Compositae

Achillea millefolium* yarrow
Ambrosia artemesiafolia* common ragweed
Ambrosia psilostachya perrenial ragweed
Ambrosia trifida* giant ragweed
Anaphalis margaritacea pearly everlasting
Antennaria neglecta pussytoes Arctium minus* Artemesia campestris Artemesia caudata Artemesia ludoviciana prairie sage
Aster azureus purple prairie aster
Aster ericoides white prairie aster
Centaurea maculosa knapweed
Cirsium vulgare bull thistle
Coreopsis palmata crowfoot
Conyza canadensis horseweed
Erigeron annuus* daisy fleabane
Erigeron philadelphicus fleabane
Eupatorium rugosum boneset Eupatorium rugosum

burdock wormwood

boneset

Helianthus annuus Helianthus giganteus Helianthus helianthoides Helianthus laetiflorus Helianthus occidentalis Heliopsis helianthoides Hieracium aurantiacum* Hieracium canadense* Hieracium longipilum Grindelia squarrosa Krigia biflora Lactuca canadensis Lactuca Serriola Liatris aspera Liatris pycnostachya Matricaria matricarioides* Ratibida pinnata Rudbeckia hirta Solidago altissima Solidago canadensis Solidago gigantea Solidago graminifolia Solidago missouriensis Solidago nemoralis Solidago rigida Tanacetum vulgare Taraxacum officinale* Tragopogon dubius

sunflower sunflower

prairie sunflower sunflower oxeye daisy hawkweed yellow hawkweed orange hawkweed rosin-weed dwarf dandelion wild lettuce prickly lettuce blazing star blazing star pineapple weed coneflower black-eyed susan goldenrod goldenrod goldenrod goldenrod goldenrod goldenrod prairie goldenrod tansy dandelion qoats-beard

Convolvulaceae

Convolvulus sepium Convolvulus arvense

morning glory hedge-bindweed

Cupressaceae

Juniperus virginiana

red cedar

Cyperaceae

Carex haydenii Cyperus filiculmus Cyperus schweinitzii

sedge

Equisetaceae

Equisetum arvense Equisetum hyemale common horsetail scouring rush

Euphorbiaceae

Euphorbia corollata

flowering spurge

Fagaceae

Fraxinus pensylvanica Quercus ellipsoidalis Quercus borealis Quercus macrocarpa

green ash
hill's oak
northern red oak
bur-oak

Gentianaceae

Gentiana andrewsii

bottle gentian

Gramineae

Agropyron repens* Andropogon gerardi Andropogon scoparius Aristida basiramea Avena sativa Bouteloua curtipendula Bouteloua hirsuta Bromus inermis* Bromus kalmii Bromus tectorum* Cenchrus longispinus* Dactylis glomerata* Digitaria sanguinalis* Elymus canadensis Eragrostis spectabilis Festuca octoflora Hordeum jubatum Koeleria cristata Leptoloma cognatum Panicum boreale Panicum cappilare Panicum depauperatum Panicum dichotomoflorum* Panicum oligosanthes Panicum virgatum Phalaris arundinaceae Phleum pratense* Poa annua* Poa compressa* Poa pratensis* Secale cereale* Setaria lutescens* Setaria viridis* Sorghastrum nutans Spartina pectinaceae Stipa spartea

quackgrass
big bluestem
little bluestem
triple-awn grass
cultivated oats
side-oats grama
grama grass
smooth brome grass
brome grass
brome grass
sandbur
orchard grass
crabgrass
wild rye
purple lovegrass
fescue
squirrel tail
junegrass
fall witch grass
panic grass
witchgrass
panic grass

panic grass
switchgrass
reed canary grass
timothy
annual bluegrass
Canada bluegrass
Kentucky bluegrass
rye
foxtail
green foxtail
Indian grass
prairie cord grass
porcupine grass

great St.John's wort

Hypericaceae

Hypericum pyramidum

-

Iridaceae

Sisyrinchrium campestre blue-eyed grass

Lamiaceae

Hedeoma hispida Leonurus cardiaca* Monarda punctata Monarda fistulosa Nepeta cataria Teucrium canadense

mock pennyroyal motherwort dotted horsemint bergamot mint catnip wood-sage

Leguminosae

Amorpha canescens Baptisia leucantha Baptisia leucophaea Lathyrus palustris Lathyrus venosus Lespedeza capitata Lotus corniculatus Medicago sativa* Melilotus alba* Melilotus officinalis* Petalostemum candidum Petalostemum prupureum Trifolium arvense* Trifolium repens* Vicia americana Vicia villosa*

lead plant wild indigo wild indigo wild pea wild pea prairie bush clover bird's-foot trefoil alfalfa white sweet clover yellow sweet clover white prairie clover purple prairie clover rabbitfoot clover white clover vetch vetch

Liliaceae

Asparagus officinalis* Hemerocallis fulva* Lilium michiganense Polygonatum biflorum

asparagus day lily Michigan lily solomon's seal

Malvaceae

Malva neglecta*

common mallow

Moraceae

Humulus Lupulus

wild hops

Nyctaginaceae

Oxybaphus hirsutus Mirabilis nyctaginea umbrella-wort wild four-o-clock

Onagraceae

Oenothera biennis

Oenothera fruticosa Oenothera parviflora Oenothera perennis

evening primrose evening primrose

Oxalidaceae

Oxalis montana

Pinaceae

Pinus banksiana Pinus resinosa Pinus strobus jack pine
red pine
white pine

Plantaginaceae

Plantago major* Plantago purshii Plantago rugelii* plantain plantain plantain

Polemoniaceae

Phlox pilosa

prairie phlox

Polygalaceae

Polygala polygama

milkwort

Polygonaceae

Polygonum aviculare*
Polygonum convolvulus*
Rumex acetosella*
Rumex crispus*

knotweed bindweed red/sheep sorrel

sourdock

Ranunculaceae

Anemone canadense
Anemone cylindrica
Anemone patens
Thalictrum dasycarpum

prairie anemone pasque flower meadow rue

Rhamnaceae

Rhamnus cathartica*

buckthorn

Rosaceae

Amelanchier spp.
Crataegus spp.
Fragaria vesca
Fragaria virginiana
Geum allepicum
Geum triflorum

serviceberries thornapples wild strawberry wild strawberry

prairie smoke

prairie cinquefoil Potentilla arguta silvery cinquefoil cinquefoil cinquefoil old field cinquefoil cherries, plums Potentilla argentea* Potentilla norvegica Potentilla recta Potentilla simplex Prunus spp. Rosa carolina wild rose Rosa suffulta Rubus allegheniensis blackberry
Rubus flagellaris dewberry
Rubus occidentalis black raspberrry

Rubiaceae

Galium boreale northern bedstraw

Salicaceae

Populus tremuloides trembling aspen

Saxifragaceae

Heuchera richardsonii alumroot

Scrophulariaceae

Linaria canadensis toadflax butter and eggs beard tongue beard tongue Linaria vulgaris* Penstemon gracilis Penstemon bradburrii Scrophularia Scrophularia lanceolata*

Verbascum thapsis* mullein

Solanaceae

Physalis heterophylla Physalis virginiana ground cherry ground cherry

Ulmaceae

Ulmus pumila* Siberian elm Ulmus rubra slippery elm

Urticaceae

Laportea canadensis Urtica procera(dioica)* common nettle

Verbenaceae

Verbena stricta vervain

Violaceae

Viola adunca Viola pedata Viola pedatifida Viola sagittata

sand violet bird-foot violet prairie-violet

Vitaceae

Parthenocissus quinquefolia Virginia creeper Vitis riparia

riverbank grape

^{*} Non-native species

23.091 Recreation areas. (1) DESIGNATION. The department may acquire, develop, operate and maintain state recreation areas. State lands and waters may be designated as state recreation areas that are environmentally adaptable to multiple recreational uses, or are so located to provide regional or urban recreational opportunities or for preservation.

(2) MASTER PLAN. The department may designate a recreational area only after a master plan for use and management of the area is prepared, public hearings on the plan are held in the county where the largest portion of land in the project is located, the procedures prescribed in s. 1.11 are complied with, and the plan is approved by the natural resources board.

(3) USE ZONES. The department may establish use zones within state recreation areas providing for the full range of recreational uses, including hunting and fishing. It may promulgate rules to control uses within zones and may limit the number of persons using any zone. Such use zones shall be consistent with the activities identified in the master plan formulated under sub. (2).

History: 1977 c. 29; 1985 a. 332 s. 251 (1); 1987 a. 298.

Memorandum of Understanding

among

Northern States Power Company (Wisconsin)

and

State of Wisconsin Department of Transportation

and

State of Wisconsin Department of Natural Resources

I. Introduction.

The purpose of this memorandum is to set forth the agreements and understandings which have been reached among Northern States Power Company (Wisconsin) (NSP), the State of Wisconsin Department of Transportation (DOT) and the State of Wisconsin Department of Natural Resources (DNR) regarding the disposition of approximately 28 miles of abandoned rail property ("property") in Pepin, Dunn, and Eau Claire Counties. The DCT acquired the property from the Milwaukee Road by condemnation in 1980 and has now determined that it may be conveyed to the DNR for recreational purposes on terms which are not inconsistent with the potential use of the property for transportation purposes. The DOT has notified state agencies and local governmental units that it intends to dispose of the property. NSP and the DNR have an interest in acquiring portions of the property. NSP desires to establish rail access to its power plant site in Dunn County (formerly known as the "Tyrone" site) in order to preserve that site for possible future installation of a power plant. The DNR desires to establish a trail from the outskirts of the City of Eau Claire to the point where the existing DNR Red Cedar Trail intersects the property in Dunn County. NSP, the DOT, and the DNR agree to work together to achieve their mutual goals as set forth below.

II. Description of the Property to be Conveyed.

The property begins at railroad mile post 18 in Pepin County and runs approximately 28 miles into Eau Claire County. The exact legal description of the property will be agreed upon prior to the conveyance. The property does not include that segment, approximately 4 miles in length, in the City of Eau Claire.

III. Consideration.

The amount to be paid for the property will consist of the sum of \$136,975, the investment which the DOT has previously made in the 28 miles of property and the additional amount which the DOT may be required to pay the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor in Reorganization ("Debtor"), as a result of the pending proceeding in Federal Court in Chicago on the valuation of the property. This additional amount shall be defined as fifty-eight percent (58%) of any future payment by the DOT to the Debtor for the approximately 32 miles of rail line between Durand and Eau Claire. The consideration to be paid for the property will be provided by NSP in the form of a donation to the DNR.

IV. Obligations of the DOT.

- 1. Within 90 days after the execution of this memorandum the DOT, the DNR and NSP shall hold a closing (the initial closing) at which the DOT shall convey to the DNR the fee title to the property, to the extent that the DOT owns the fee interest.
- 2. Within thirty (30) days after the initial closing, the DOT will commence the process to acquire the fee interest, by condemnation if necessary,

to all parcels which are part of the property and on which railroad operating rights exist only by easement.

- 3. Within thirty (30) days after the DOT has completed the acquisition of fee interests, the DOT, the DNR and NSP shall hold a closing (second closing) at which the DOT shall convey to the DNR the fee interests acquired after the initial closing.
- V. Obligations of the DNR.
 - 1. After the execution of this memorandum, the DNR shall commence the process necessary for it to accept the conveyances from the DOT.
 - 2. At the initial closing, the DNR shall convey the following segment of the property (the NSP segment) to NSP:

Beginning at railroad milepost 18 in Pepin County and running approximately 11.1 miles in a north-easterly direction to the north line of the SE1/4 of the NW1/4, Section 22, Township 26 N, Range 12 W, Dunn County, Wisconsin.

This conveyance shall include all rail property acquired from the DOT within the NSP segment.

- 3. At the second closing, the DNR shall convey to NSP all fee additional fee interests located within the NSP segment subsequently received from the DOT as part of the second conveyance.
- 4. As part of its conveyance to NSP at the initial closing, the DNR shall grant NSP at no cost transmission line easements which will enable NSP to continue its existing use or to expand its use of the segment of the property to which the DNR retains ownership (the DNR segment). Under these ease-

ments NSP shall have the right to construct, operate and maintain its existing transmission lines and to install such additional transmission facilities as it may deem necessary including, but not limited to, additional electric circuits, higher voltage conductors and all necessary supporting facilities. However, the additional transmission facilities shall not interfere with or obstruct the operation or use of the trail. NSP and the DNR shall cooperate to determine the design and location of the additional facilities. NSP shall reimburse the DNR for or repair any damage to the DNR segment caused by NSP during the construction or maintenance of NSP's facilities. It is understood between the DNR and NSP that the DNR may not receive the fee interest from the DOT for the entire DNR segment at the initial closing. Accordingly, it is agreed that at the second closing the DNR shall grant NSP such additional easements as may be necessary to provide NSP with the foregoing easement rights over the entire DNR segment. If NSP decides that it needs rail access to the Dunn County site from the north, the DNR shall convey to NSP that part of the DNR segment which NSP needs for such rail access. The DNR conveyance to NSP shall include a reversionary interest for the DNR. If NSP desires to exercise this right to obtain rail access from the north, it must do so by January 1, 1988, after which date this right shall be extinguished. It is understood and agreed that if NSP desires to extend the January 1, 1988 deadline, it may do so upon reaching an agreement with the DNR as to the consideration necessary for such extension.

VI. NSP's Obligations.

- 1. NSP shall provide the consideration as described in III above for the initial conveyance from the DOT to the DNR. This consideration shall be submitted to the DNR or its nominee at the time of the initial closing. At the time of the second closing, NSP shall pay to the DOT an amount, not to exceed \$106,325, which will reimburse the DOT for the following costs:
 - a. Cost of monumenting the R/W;
 - b. Cost of Abstracting;
 - c. Cost of producing R/W plat;
 - d. Cost of manpower to acquire R/W;
- e. Cost to acquire reversionary rights and extinguish existing leases. When the valuation of property has been completed by the Federal District Court in Chicago, or at the time of any settlement of this valuation litigation by the DOT and the Debtor, the DOT shall notify the DNR and NSP. The DOT shall inform the DNR and NSP of any change in the value of the property. NSP shall make a donation to the DNR in the amount of the difference between any changed value of the property and \$136,975. The DNR shall immediately pay this amount to the DOT.
- 2. NSP will permit the DNR to use that part of the NSP segment which is located northeasterly of the junction of the Red Cedar Trail and the NSP segment for trail purposes if the DNR installs a trail on the DNR segment.
- 3. If the DNR conveys part or all of the DNR segment to NSP after the DNR has installed a trail on or made any expenditures for the development of the DNR segment, NSP will compensate the DNR for the costs incurred in

installing that portion of the trail which will have to be removed in order to enable NSP to use the DNR segment for rail transportation. The amount of the compensation will be the depreciated cost of the materials of which the trail was constructed.

4. If the DNR conveys part or all of the DNR segment to NSP, NSP will convey to the DNR that portion of the NSP segment which it does not need for access to the Dunn County site, and give the DNR the right of first refusal on the terms and conditions under which it would sell the rail property which it owns from railroad milepost 3.9 in Buffalo County to railroad milepost 18.0 in Buffalo County, Wisconsin.

VII. General.

- 1. No party shall be obligated to remove or salvage any trackage prior to conveyance to another party. However, each party reserves the right to remove or salvage any trackage if it so desires prior to conveyance to another party.
- 2. The DNR shall be free to use and develop the property conveyed to the DNR as soon as it desires after the conveyance by the DOT to the DNR.
- 3. All conveyances shall be made by quit claim deed.
- 4. NSP shall be responsible for the payment of all taxes and/or the removal of all mortgages or liens on the NSP segment prior to any conveyance of that segment by NSP to the DNR.
- 5. This Memorandum of Understanding is subject to all applicable laws and regulations and to the approval of the Natural Resources Board and the Governor of Wisconsin.

- 6. NSP, the DOT and the DNR shall hold two closings to accomplish the conveyances provided for in this memorandum. Each closing shall be held at a mutually agreeable time, date, and location, except as provided in IV.1. and IV.3.
- 7. It is understood and agreed between the DNR and NSP that the exclusive consideration from the DNR to NSP under the terms of this memorandum is that set forth herein. It is further understood and agreed between the DNR and NSP that the execution and implementation of this memorandum shall in no way bind, restrict, or commit the DNR with respect to any permit or other regulatory authorization which NSP shall be required to obtain from the DNR or any other regulatory body for the construction of an electric generating plant at the Dunn County site.
- 8. This Memorandum of Understanding may be revised by mutual written agreement of NSP, the DNR, and the DOT.
- 9. Any notice, proposed amendment, or mutual written agreement shall be served upon NSP by mailing the document to Mr. John Moore, 100 North Barstow Street, P. O. Box 8, Eau Claire, WI 54702, upon DNR by mailing the document to Mr. Richard W. Henneger, P. O. Box 7921, Madison, WI 53707-7921, and upon DOT by mailing the document to Mr. James S. Thiel, P. O. Box 7910, Madison, WI 53707-7910, or to such other addressee as any party may give notice to the others pursuant to this paragraph.

IN WITNESS WHEREOF, NSP, the DOT and the DNR have caused this Memorandum to be executed in their respective names by their respective duly authorized representatives on the date shown below.

NORTHERN STATES POWER COMPANY

E. M. Theisen, President

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary

Dated: 17px 29 1985

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

Lawell B. Jackson, Secretary

TRANSMISSION EASEMENT

1. For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES, hereinafter referred to as "DNR", does hereby warrant and convey unto NORTHERN STATES POWER COMPANY, a Wisconsin Corporation, hereinafter referred to as NSP its successors and assigns, a perpetual easement to enter upon the hereinafter described property of the DNR to survey, construct, operate, maintain, use, rebuild, add, or remove electric power or communications lines, cables, or circuits consisting of poles, towers, structures, crossarms, guys, braces, anchors, wires, cables, conduits, counterpoises, fixtures, and other devices used or useful in the operation, maintenance, and use of said lines or cables together with the right to locate, relocate, construct, or reconstruct same at various voltages and dimensions at any time hereafter as NSP shall deem useful or necessary, across, over, under, or through the following described lands situated in Dunn and Eau Claire Counties, Wisconsin; to wit:

The property described in Exhibit A attached hereto and made a part hereof.

2. NSP is further granted the right, privilege, and authority to construct, operate, and maintain its pipes for the transmission of natural gas including necessary associated piping over, across, and upon and in the following described real estate in the County of Eau Claire, Wisconsin to wit:

The property described in Exhibit B attached hereto being a part of the property described in Exhibit A.

- 3. DNR expressly reserves the right to use said property in any manner that is not inconsistent with the rights granted herein. However, the DNR shall provide NSP thirty (30) days written notice prior to commencing construction of any structures upon said property. All structures constructed by the DNR shall comply with the then existing Wisconsin State Electrical Code, Volume 1 (Chapter PSC 114, Wis. Adm. Code). In constructing such structures, DNR shall provide NSP with continued access to its transmission facilities.
- 4. The grant of easement herein contained shall also include the right of NSP to have reasonable access upon said property and shall include the right to enter upon the property to remove and dispose of trees (including the branches of trees overhanging the property) or objects which in the opinion of NSP will interfere with its facilities.
- 5. NSP agrees that any additional transmission facilities which may be installed on said strip shall be constructed in such a manner as to not interfere with or obstruct the operation or use of any trail system previously installed upon said strip by the DNR.

- 6. NSP further agrees to cooperate with the DNR in determining the design and location of any additional electric or communication transmission facilities or any natural gas facilities.
- 7. NSP agrees to reimburse the DNR for or repair any damage to DNR's property caused by NSP during any construction or maintenance of its electric or gas facilities.
- 8. NSP assumes and agrees to protect, indemnify and save harmless the DNR, agents, officers and employes from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or injury or death to my person, arising directly or indirectly:
 - Out of the construction, installation, maintenance, operation, replacement and removal of the transmission facilities;
 - b. Out of any defect in the sewer or water line or failure thereof; and
 - c. Out of any negligent act or omission of the Grantee, agents or employes.
- 9. The rights herein granted are subject to existing rights of way for highways, roads, railroads, pipelines, canals, laterals, ditches, or other electric transmission lines and telegraph and telephone lines heretofore granted across any part of the lands affected by this instrument.
- 10. It is mutually understood and agreed that this instrument covers all the agreements and stipulations between the parties and that no representation or statements, verbal or written, have been made modifying, adding to or changing the terms hereof.
- 11. This agreement shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the DNR and NSP have caused this instrument to be duly executed, acknowledged and delivered this 144 day of 1985.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

Bv:

D. Besadny, Secretary

STATE OF WISCONSIN)

COUNTY OF DANE)

Personally came before me this 14th day of August, 1985,

D. Besadny, Secretary of the Department of Natural Resources, to me known to be the person who executed the foregoing instrument, and to me known to be such Secretary of the Department of Natural Resources, and acknowledged that he/she executed the foregoing instrument as such officer as the deed of the Department of Natural Resources, by its authority.

Notary Public, State of Wisconsin My Commission expires/is permanent

NORTHERN STATES POWER COMPANY

A. G. Schuster

Vice President-Power Supply

And

D. P. Jolstad, Secretary

STATE OF WISCONSIN)

COUNTY OF EAU CLAIRE)

Personally came before me this <u>ISE</u> day of <u>largust</u>, 1985, the above-named A. G. Schuster and D. P. Jolstad, known to me to be the Vice President-Power Supply and Secretary, respectively, of Northern States Power Company, a Wisconsin corporation, and executed the foregoing instrument, stating to me that they were doing so in their official capacities pursuant to existing authorization.

Notary Public

Eau Claire County, Wisconsin My Commission is permanent.

This instrument was drafted by John P. Moore, Jr. P. O. Box 8 Eau Claire, Wisconsin 54702

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